

Joint Meeting between the Village Board of Trustees and Historic District Review Board on October 8, 2012

The Village of Cold Spring Board of Trustees and the Historic District Review Board held a joint meeting on Monday, October 8, 2012 at 7:00 p.m. at Village Hall, 85 Main Street, Cold Spring, NY 10516.

Attending: Mayor Seth Gallagher and Trustees Charles Hustis and Matt Francisco
Historic District Review Board: Al Zgolinski, Chairman; and members Kathleen Foley, Carolyn Bachan, Peter Downey and Marie Early
Also attending: Julian Adams, Certified Local Government (CLG) Coordinator from the NYS Preservation Office
Absent: Trustees J. Ralph Falloon and Bruce Campbell

Julian Adams attended at the request of the board to review the village historic district code and offer guidance on technical and procedural matters, especially with regard to building demolition.

Mr. Adams initially stated that SHIPPO provides legal and technical support to communities, part of being a CLG is working with the state to understand the code.

Comments from Mr. Adams on the Village of Cold Spring Historic Code:

64-6 Modification of Historic District

1) Modification of the district would include the survey, if adopted, as you are changing the understanding and the application of the law to that district. The survey could change how your district is reviewed.

64-1 Purpose and Public Policy

2) The ARB has the power to review all changes in the exterior architectural features of improvements located within the district. It does not refer to contributing or non-contributing elements. According to Mr. Adams, in the absence of an adopted survey, every building in the district, under this code, is treated equally if it is within the district boundaries.

64-7 Determination of Request for Certificate of Appropriateness

The question was raised if the criteria for a certificate of appropriateness includes not only looking at exterior architectural features but also includes the criteria listed in 64-6 G or J.

Mayor Gallagher commented that these criteria are for something specific in the code (designating of landmark and modification to the historic district) and this is how they can be used; they can't be transferred to another part of the code.

Adams described the process right now for modification of this building (Butterfield Hospital) look at: a) materials in their condition; b) the impact on the district of the work on the building. If the proposal is to demolish the structure, under the current law, need to ask for that in a certificate of appropriateness, get denied and go to the hardship process.

Mayor Gallagher asked if you have an application before the board, do you use the criteria listed in 64-7 (Determination of Request for Certificate of Appropriateness). Adams commented that 64-7 would then either take you through the process of certificate of appropriateness by the criteria or you would bounce to economic hardship. Assuming that all buildings in the district are contributing, the determination of a C of A for demolition to a contributing structure is typically an automatic denial.

64-2 Usage and Definitions

“Alteration means any change, construction, reconstruction, repair, covering over or demolition of exterior architectural features of any existing improvement.” Adams commented that demolition of architectural features does not say removal of the entire structure because a project coming under a C of A for a local project can involve demolition of part of the building. Adams stated that alteration in this law is only used in purposes of an existing structure that will remain in situ in some form after the work is completed.

Mayor Gallagher added that by definition an alteration includes demolition.

Al Zgolinski asked if the ARB could afford a building some protection based upon the history of the building. The HDRB feels that criteria (in 64-6G), because they were used to establish the district, should be considered for a certificate of appropriateness. In 64-6 J, it says that the district meets these criteria, so within the district you will have this kind of resources. Mr. Adams was asked if the board can look to these criteria when weighing merits of an application for a certificate of appropriateness. His response was that you have to because it is all you have in the law.

Mr. Adams concluded that the bottom line for the process is to deny and bounce to the economic hardship process.

Mayor Gallagher contended that if demolition is not an alteration then the ARB doesn't have purview over it. He sees the criteria in 64-6 G specifically for modification to the district.

Recommendations:

Apply for a grant to modify the law to bring it up to modern standards.

Find a process to get the survey in place and adopted by the Board of Trustees.

If there is a request for reuse should have the applicant make a new application.

When making a decision on an application, the board should refer to the section of the code you are basing your decision upon.

Adams commented that when there is a difference of opinion it is one of the duties of the board to hire their own lawyer.

Mayor Gallagher pointed out that the board can't hire an attorney without approval from the village board to spend funds. Mr. Adams suggested contacting the Center for Preservation Law or National Alliance of Preservation Commissions.

In response to questions about the HDRB seeking consultants to assist with review of a hardship application, it was pointed out the board and the applicant must set up an arrangement for funding (through an escrow account).

Minutes prepared from an audio recording by Mary Saari, Village Clerk